

UNITE HERE Fund Administrators
An Affiliate of Amalgamated Life

UNITE HERE Fund Administrators, Inc.

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November 26, 2007

MEMO ENDORSED

VIA FACSIMILE

Honorable P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/27/07

Re: Trustees of UNITE HERE National Retirement Fund – v.- Smeltzer Enterprises, Inc. – 07 Civ. 8637 (PKC)

Dear Judge Castel:

We represent the plaintiffs in the above-referenced action. As required by the Court's October 16, 2007 Order Scheduling Initial Pretrial Conference, and with consent of J. Laevin Weiner, Esq., Michigan counsel for defendant, we are writing to advise the Court of a brief description of the case, any contemplated motions, and the prospect for settlement. In anticipation of settlement, defendant has not retained local counsel or appeared in the instant action.

The instant action seeks to collect delinquent employee benefit contributions due to a multi-employer employee benefit fund pursuant to Section 515 of ERISA. Defendant Smeltzer Enterprises, Inc. is an employer obligated to make such employee contributions under a collective bargaining agreement with an affiliate of UNITE HERE, a labor organization.

While the parties anticipate settlement of the action, plaintiffs respectfully reserve the right to apply to the Court for entry of a default judgment or a motion for summary judgment in the event that defendant appears to defend the action. The parties are discussing a possible settlement of the claims underlying the instant action but have not yet resolved all outstanding issues.

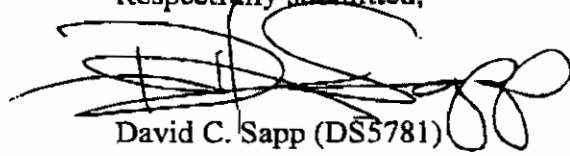
Given that the parties are actively pursuing negotiations to resolve the claims in the action, the parties respectfully request a brief thirty (30) day adjournment of the initial pretrial conference scheduled for Friday, November 30, 2007 at 11:00 a.m. to permit additional time for conclusion of a possible settlement.

inferre adjourned from December 28, 2007 at 10:00a
November 30 to
SO ORDERED.
[Signature]
JSD
11-27-07

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The Court's considerations are appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "David C. Sapp", with a large, stylized flourish at the end.

David C. Sapp (DS5781)

cc: J. Laevin Weiner, Esq. (via facsimile)
Ross Hammersley, Esq. (via facsimile)